CORONER'S COURT,

Its Uses and Abuses;

WITH SUGGESTIONS FOR REFORM.

BY

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ADDRESSED TO THE

LEGISLATURE AND THE PEOPLE OF THE UNITED KINGDOM

AND DEDICATED TO

THE RIGHT HON. LORD BROUGHAM,

AND THE MEMBERS OF THE LAW AMENDMENT SOCIETY.

Per varios casus, per tot discrimina rerum
Tendimus.———

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CORONERS' COURTS.

For years past the proceedings as conducted in the Coroners' Courts throughout those districts of the United Kingdom where such an office possesses its prerogative, and the necessity for the formation of such a tribunal in Scotland, have attracted marked attention amongst all classes of the community; the more so, it might be added, within the last nine or ten years, when, through the instrumentality of this ancient and important institution, the most serious crimes in the shape of secret poisoning that ever tarnished England's social system have been brought to light, and the guilty, in accordance with the stringent, but, at the same time, just and salutary, laws of the land, made to expiate their atrocious crimes.

Through the medium of the same Court, cases of gross cruelty, at the hands of callous, inhuman officials, have been at the same time exposed; and if, through the want of a more vigorous code, the morally guilty have not received that legal punishment due to their offences, yet they have received

that moral castigation before the eyes of an indignant public which on many occasions must have proved more searching and severe than the infliction of penal punishment.

The necessity, usefulness, and power of such a Court as that of the Coroner has been from time to time widely discussed, and narrow and partial is the mind that has denied its national importance and dignity.

Since the introduction of the new police system, and the appointment of stipendiary magistrates, the necessity for the continuance of the Crown officers'* jurisdiction has been often called in question, and much contention and unseemly legal strife have arisen from time to time between the representatives of the magisterial bench and those of the Coroners' Court, in the discharge of their respective duties, originating in the want of a better system of management, and an illiberal definition of the duties of the respective Courts.

As such painful scenes have arisen through conflicting authority, it must be admitted on all sides, the present very anomalous state of the law ruling the two Courts requires amendment. Such contentious spirit having been only lately revived in one of the most populous and important districts of the metropolis (*i. e.*, the western division of the county of Middlesex), where a Coroner's Jury refused to come to a verdict in a case of alleged murder; and similar proceedings having been adopted a short time previously, in another

* Coroner, from *corona*, a crown.

county, where in both cases the Juries urged that their duties had been seriously and unnecessarily interfered with by the magistrates, it is high time, for the proper administration of justice, and the honour of England's sapient laws, that some better understanding should be come to, and such jarring proceedings be in future prevented.

It becomes, therefore, a most important inquiry whether, while enforcing the due administration of affairs in both Courts, the power and dignity of the Coroner's Court cannot be strengthened and upheld, and its usefulness carried into those districts where, as in Scotland, there exists at the present period no such tribunal.

Under such circumstances, as one who has taken a deep interest in the subject, and who, as a representative of the public press, has had much experience therein, the writer of this short address desires to expose the existing evils, and, by laying down certain recommendations, trusts, while pointing out the bane, to endeavour in a few brief suggestions to supply the antidote by those remedies which appear feasible, and which, in fact, carried out, would produce an entire reform on the subject.

No reasonable person can deny that the Coroner's Court is one of the oldest and most useful Courts existing, dating, as its stability does, from the reign of Alfred the Great, whose name as a legislator is alone sufficient to stamp it with importance and dignity.

The Coroner's Court has, indeed, an excellent and overpowering argument in its favour at the outset, considering that the office owes its existence

to a monarch the sapiency of whose laws has never been questioned, and whose whole aim and object in their formation were his country's welfare, his country's happiness.

Dating, therefore, the authority of the Coroner's Court from this wise and excellent monarch, without further comment upon the wisdom and discretion of its origin, we come down to the present period, and, analysing its uses and its abuses, consider the best means of placing it in such a position that it shall prove one of the most important branches of our criminal legislature and one of the greatest boons ever annexed to our social system.

Considering impartially the important duties attached to this office, there cannot be a member of the community who doubts its usefulness, or who cannot see the great good that must accrue to the State, both in a pecuniary and a social point of view, by its being carried out in a strictly legal and searching manner. The check its jurisdiction has upon crime must be as extraordinary as is evident from the fact that the inquiries held by this Court are instituted in the immediate neighbourhood of the occurrence which calls forth the intervention of the law, and that the investigations are conducted by those well acquainted, as neighbours, or as residents in the locality, with the parties concerned, and with every circumstance in connexion with the case.

In the formation of the Coroner's Court what is found? A people's Court!—a Court in which justice is administered by the people, guided by the legal acumen and advice of their own elected

representative, the president of the Court being elected by the people. Here at once is provided a shield against oppression and injustice, should, unfortunately, an arrogant, illiberal, and oppressive administration ever again come into power. The public health is the most important feature in all State affairs: without this desideratum how can wealth and power be derived or maintained? Of health and life the Coroner's Court is peculiarly watchful, and its powers when properly carried out of chief importance; and while the Coroner's Court particularly attends to the physical condition of the community, it brings the deliberate murderer to justice, at once pounces upon those cool and indifferent authorities or officials, who, although armed with the power of preventing the breaking out or the spread of dire disease, yet allow a whole population to be decimated through the existance of some crying evil, and permit their unfortunate and unsuspecting charge to wither away to the cold grave before their eyes, without adopting those steps which might check such a flagrant destruction of human life. Thomson in his "Seasons," well describes a state of things that thus arises from such unpardonable neglect and official apathy, when he says,

> When o'er this world by equinoctial rains
> Flooded immense, looks out the joyless sun,
> And draws the copious stream from swampy fens,
> Where putrefaction into life ferments,
> And breathes destructive myriads; or from woods,
> Impenetrable shades, recesses foul;
> In vapours rank and blue, corruption wrapt,

Whose gloomy horrors yet no desperate foot
Has ever dar'd to pierce ; then wasteful, forth
Walks the dire power of pestilent disease,
A thousand hideous fiends her course attend,
Sick nature blasting, and, to heartless woe,
And feeble desolation, casting down
The towering hopes, and all the pride of man.
* * * * *
* * * Her awful rage
The brute escapes ; man is her destined prey."

In life's struggle pecuniary advancement is too eagerly looked on as the great consideration. Thousands make it their all absorbing thought, but how vain are these pecuniary advantages, these mental calculations, these buoyant hopes without health ? *Non est vivere sed valera vitá.* The Coroner's course, keen and watchful under all circumstances, gives such confidence that the mind can pursue its bent stealthily, mature its hopes, and feel that a protection is thrown around the main-spring of its very existence.

This Court by its powerful agency pursues the deliberate murderer, awes those who would otherwise imbrue their hands in the blood of their fellow-creatures, commiserates the condition of the wretched poor and unfortunate, and tears with just, yet pitiless hands, the mask from the hypocritical or unfeeling official.

It is fearful to contemplate the social and moral results or the abuses of the sanatory and physical condition of the people which, did this Court not exist, might be perpetrated.

Open murder and secret crime might run riot, or

from inattention to sanatory regulations, the population be so destroyed or physically weakened that the whole frame work of society might be broken up—the operative and commercial elements all but destroyed, or at least hurled into such a state of prostration, that our flourishing empire, the wonder of the world, would be brought to utter ruin—nay, the descendants of a warlike race would become the puny sickly playthings of more stalwart arms, and their once free and boasted land scorned and despised among the nations.

Do not such arguments as these prove that such an institution, democratic as it is from its peculiar and wise formation, is of necessity the most important this country possesses?

But what do we find in the present day? Another tribunal perfectly arbitrary, breathing throughout that system obnoxious to the English and trans-atlantic people, centralisation springing up, and attempting to abrogate the authority of this people's Court. This new police system which it was found necessary to establish, or rather remodel, in order to check a minor scale of crime, and so to bring the petty offender to justice, takes upon itself not only seriously to interfere with, but actually to ridicule the Coroner's administration. Ah! sad it will be for the people if such interference is allowed to continue; the end will be the complete annihilation of a Court, the last remnant of a recognition of the people untramelled by Crown officers. Justice will be hoodwinked, human life become a matter of pounds, shillings, and pence. Laws thus

placed entirely under an uncontrolled power against which there is no appeal, will afford to the people only a system of oppression under which they may become victims without either oppressors or murderers being brought to justice. This would be particularly evident in the case of some popular disturbance; the people might have a just cause to raise their voice, but the controlling power would be found the stronger party. That this is no overdrawn statement one or two illustrations will confirm. Citizens were ruthlessly maltreated by a body of men exhibiting such brutal propensities at Birmingham during the meetings held previous to the breaking out of the riots there. On that occasion the police came behind the people at an open air meeting and commenced felling them down with their batons like cattle, and that too before any disturbance occurred. More recently in Hyde-park, when the aged, unoffending women, and even children, were shamefully illused. Such again may be the conduct of such an armed force in another popular agitation, and more painful to surmise, life may be sacrificed, but no justice can follow, for any investigation that may take place, it has been proposed, shall be entirely in the hands of the police. Does this savour of English ideas, or continental JUSTICE? Does it not rather exhibit a system of Neapolitan Sbirri tactics, than English law? Indeed, enough might be drawn from the disclosures made respecting the conduct of the police during the Hyde-park disturbances without, perhaps, having alluded to

Birmingham,—*Ex pede Herculem*, it is unnecessary to point to other instances similarly exhibiting such a spirit of oppression and brutality. What, therefore, would be the result if uncontrolled power were given to such a body under a *régime* Neapolitan in its executive.

The public mind cannot be too seriously impressed with the consequences that would certainly arise, were they placed solely under the control of a power like that of the police in matters relating to life and death.

The present mischievous and uncalled for interference of stipendiary magistrates, and the police, with the Coroner's important duties should be at once denounced by the public voice.

How dangerous will such an interference become if it goes on unchecked, and a tribunal be established against whose decisions there is no appeal.

The anomalous state of the law regarding the ability to appeal against a police magistrate's, or County Court judge's decision, has already attracted the special attention of several leading legal representatives. Amongst the foremost to dissent from such an arbitrary power is Lord Brougham.

It should, indeed, be well observed that *there is no appeal* against a police magistrate's summary decision, and yet it is urged to place the people more fully under this harsh and exceedingly repulsive *régime.*

In the event of the Coroner's Court being abolished, an example of the unjust working of such a system may be quoted as follows.

A citizen is alleged to have been killed by a policeman for whose acts, according to the law of England, the master or employer, in the person of the magistrate or the police commissioners, is responsible; but an investigation being held before the very magistrate in whose district the offence is said to have been committed, he takes a view of the affair directly in favour of the accused, and decides accordingly by dismissing the complaint.

There is *no appeal* from this decision; no further inquiry, and society may be thus outraged and the law placed at defiance by the veto of one man. The consequences resulting from such a system are really too frightful to contemplate.

The conflicting proceedings arising from time to time, owing to the animus exhibited by metropolitan magistrates towards the Coroner's Court proves that an entirely new system is required to place the two courts upon a better footing with regard to each other, and through which one court will not interfere with the administration of justice in the other.

The office of the Coroner is of too important a character to be dealt with lightly. It embraces such special duties and considerations that it is essential that the power of the Court should, by remodelling the whole system, be clearly defined, and at the same time, by enlarging its powers, give the Court that *status* which it deserves in the administration of justice.

Now, proceeding to analyse the duties of the

Coroner, it will be found, unfortunately, that the office has degenerated and become in its administration considerably restricted in those districts where Coroners allow themselves to become trammelled by the interference of the county magistrates until the inquiries are simply confined to some special case of suicide, sudden death, or evident murder.

Surely the office was intended to reach further than these ends. True, they form its principal duties, but the investigations should have a wider range, and should not only include cases enveloped in mystery and suspicion, but *every case* where the cause of *death is unknown.*

By holding inquests in cases where no suspicion of foul play is entertained, secret murder would be greatly, if not entirely prevented, for the simple reason that all parties concerned would be ignorant as to whether an inquiry would take place or not, and be alarmed by the probability that an investigation *would* be instituted.

Had such a system been in operation at Rugeley, how many dreadful murders and social crimes would have been prevented.

It is to be exceedingly regretted that in many counties, such as in Staffordshire, the office of Coroner is so restricted, through the interference of the county magistrates, that it has become almost useless. Very few inquests take place, and then, even when they are held, no *post mortem* examination is performed in the majority of cases. Now, certainly, without the assistance of a *post mortem*

examination in cases of sudden death, or in cases of death from supposed drowning, hanging, and the like, such investigations are perfectly useless. Had a few inquests been held at Rugeley in cases of natural death, Palmer, coward as his atrocious system of murder proved him to be, would never have had the hardihood to carry out his poisonings, because he would have had before his eyes *the possibility* of an investigation taking place on his first victim. Surely it is better and more humane to prevent than to punish crime, and one inquiry at the period this wretched man premeditated his awful crimes might have appalled him, and his murderous intentions at once failed him.

The duties of the Coroner require to be enlarged, and they should be permitted to be carried out with greater freedom, dignity, and respect.

In the first place, by all means let the Coroner be as heretofore, in those districts where such a proceeding as in the county of Middlesex has always been adopted, elected by the people, rather extending than restricting this representative system. This could be done by the election taking place at the hands of the Parliamentary voters, instead of leaving it, as at present, with the freeholders and landed proprietors.

The Coroner should have his authority recognised as that of a magistrate appointed by the Crown, and he should most certainly have a seat on the County Bench.

The office should not be degraded by in one point of view the duties being paid for *by the work*

done. It is degraded when the Coroner is liable to be charged as an extortioner, which in plain terms is simply the case when the county magistrates take upon themselves to condemn as unnecessary a number of inquiries, and disallow the fees charged by him.

To prevent this, the Coroner should be paid an annual salary, which could be revised every three years, and decreased if on the triennial average the duties were found to be lighter than before. This would be more respectable for the true administration of justice, and, in fact, more economical in the long run.

If a Metropolitan Coroner, his salary could be fixed according to that of the Metropolitan stipendiary magistrates, or according to the extent of the district he had charge over. The latter course would be more desirable in the appointment of Provincial Coroners.

The question may arise, who shall fix the salary of the Coroners? This is a highly important, although an after consideration, should these suggestions be carried out. Should it meet with the concurrence of the majority of the electors, the question of salary might be left with the Crown at the outset, and a triennial revision allowed to be retained by the County Bench, subject to an appeal if the revision was not considered a just and equitable one.

Certain fixed Courts should be set aside where the Coroner's inquiries could be held. Expensive new buildings for that purpose would be unneces-

sary, as an office adjoining the district police court could be set apart, or the investigations could be held in the vestry hall, or other parochial offices, such as in the board rooms of workhouses, &c. In such districts as in Middlesex, Westminster, and the City of London, it would require several suitable buildings in various localities to meet the requirements of the population. This accommodation could easily be had in the parochial offices and at police courts. In the case of police courts, it invariably happens there are two courts, one being generally unoccupied, and a magistrate's room on other occasions could give the necessary accommodation. In parochial offices, besides a board room, there are invariably a number of commodious committee and waiting rooms set apart for the ratepayers, which are generally vacant four or five days out of the week.

There is no wish in these suggestions to interfere with the small fee at present allowed to licensed victuallers for the accommodation afforded to the Coroner, but the whole object aimed at is that of effecting a great public service, and, in a pecuniary point of view of lessening the county rates, which now fall so heavily on not only the Licensed Victuallers' body, but every class of trade. The temporary gain to the Licensed Victuallers for giving accommodation is small, but by the adoption of the system alluded to in the foregoing paragraph the gain in a more extended sense would be large, for be it observed, that for every fee the charge on the county rate is double, and it is highly probable that

for a 3*s.* 6*d.* the licensed victualler receives for the use of a room to hold a Coroner's inquiry in, he has to pay double and sometimes treble that sum back to the county. At all events, it is very certain that the tendering of a fee to the licensed victualler or a ratepayer as a juror under such circumstances is a perfect farce, as the same is exacted at a future period from the same parties on the county rates. The licensed victualler, in fact, gets no payment for the accommodation he affords and the great inconvenience he is too often put to, as well as expense, for lighting, fire, and other etceteras.

The next important consideration in the formation of the Court is the appointment of juries, a matter which specially requires revision, and an almost entire change.

With all such juries the great burthen principally falls upon the trader and working man. The professional class and those of independent means invariably escape; at least, it is pretty certain that in nineteen Coroner's Juries out of twenty the jury is composed of tradesmen and persons who are put to extreme inconvenience by so attending.

Now this is unjust, and arises from the indiscriminate manner in which such juries are summoned; the borough lists not being taken in many districts, as in the Superior Courts and at the Sessions, for a clue to those who are bound to attend as jurors, and whose names should be taken in rotation.

To effect a change in the present Coroner's Jury system, let the jury be composed of thirteen *inha-*

bitant householders—six professional men and seven tradesmen.

It frequently happens twenty persons are unnecessarily summoned on a Coroner's Jury in order to get a proper number, viz. twelve or thirteen together. This is a very loose way of proceeding, and gives needless trouble both to the summoning officers and those parties who attend as a majority, and are consequently not required to be sworn.

It has also often happened that perfect strangers, mere passers-by, have been stopped and empanneled on a Coroner's Jury in order to form the proper number,—evidently a very improper proceeding, as a passer-by might really be a friend or partizan of an accused person, even the unknown murderer, who would thus throw himself in the way to be summoned, and by the influence he might bring to bear, through a superior judgment, upon his fellow jurors, imperil the fair administration of justice.

Such an event it will be acknowledged is probable, seeing, as a close observer of such matters can, that it often happens the minds of a whole jury are led and biassed by a single juryman.

All this could be prevented by a stricter rule being observed in the summoning of such Juries. Let them be summoned as at Sessions; and, if not punctual in attendance, the usual fine should be at once imposed. This proceeding would lead to a regular attendance on the part of those summoned, and there would be no occasion to summon more than the required number to form the Jury; and,

in the end, this proceeding would gain more respect and consideration for the Court.

As to the formation of the Jury by the empanneling of six professional men and seven tradesmen or men in business. Again remarking that it does not appear just that tradesmen should be solely called upon to perform such onerous duties, when it is considered that they have also to serve on all other Juries, besides being called upon to administer local affairs, it should be noted that a Coroner's inquiry, involving as it does a final decision in the generality of cases, is a most important subject for searching investigation. There are not two juries, a Grand Jury and a Petty Jury, concerned, but simply one; and on the judgment of this one jury a deliberate decision depends, which, if the decision should criminate any person or persons, cannot be set aside by a Grand Jury or any such power which rules other juries in the superior Criminal Courts, but the case must be brought to trial. Therefore the same parties liable to be summoned to the Old Bailey and other Courts should bear an equal burden of the duties imposed by investigations in the Coroner's; and by this the character of the Court would be raised, and many important questions of a scientific character, through the admixture of professional knowledge, would be properly solved and decided.

It is frequently the case that Coroner's juries are summoned an hour (and even less time is allowed), before an inquiry takes place. The result is that, under such circumstances, juries often go to investi-

gations in bad spirit; they are thinking more of general business matters of life than the administration of justice; and the consequence is, that many most important inquiries, which demanded long and patient consideration, are hurried over, to the great discredit of the Court. To prevent this, some hours, say twelve at the least, should intervene, unless the sultriness of the season calls for a speedier investigation, owing to decomposition more rapidly setting in than in cold weather, between the summoning of the jury and the holding the inquiry. Where jurors could not attend through illness, they should at once inform the summoning officer, who then upon the production of a medical certificate, or such like sufficient reason for non-attendance, on the ground of domestic affliction, and similar reasonable causes, should find a substitute by summoning that person whose name stood next on the list of voters.

The jury should be summoned to meet at the house or late residence of the deceased; and there, having been sworn, and seen that the body was properly identified—for in some cases identification has been incomplete, through the want of such a practice—they should proceed with the Coroner to the nearest Court, and enter upon the evidence, if an adjournment *in limine* upon viewing the remains was not agreed upon.

All fines should be strictly enforced, as in other Courts, unless good and sufficient grounds could be shown by the absentee for his contempt of Court in not appearing to the summons.

The picking juries out of the regular jury lists would give great satisfaction, as it does where the system is pursued in many districts of Westminster, for a juror may not thus have to attend more than once in six or twelve months; while at present, through such juries being indiscriminately summoned from the immediate neighbourhood of the death, a tradesmen is often called out two and three times a week to attend Coroners' investigations. The injustice of this part of the present system is plainly observable in the vicinity of workhouses and hospitals, which institutions give a wide scope to the duties of the Coroner, and where the residents of the locality are being continually summoned upon Coroners' juries.

The particular duties and powers of the Coroner's Court now come under review, and this part of the question demands most serious and impartial consideration.

Primarily the duties should be as to the cause of death, and the cases in which such inquiries should be held should be indispensably as follows :—

1. In all cases of sudden death; that is, where the person falls down dead, is found dead, dies without medical attendance, or dies under such circumstances by a sudden seizure as to leave his death unaccountable, so that the medical attendant called in at the time cannot certify *the exact cause of death* without performing an internal examination of the body, or, as such a proceeding is now technically termed, a *post-mortem.*

In all cases like these, there should be such an examination, and an analysis made of the contents

of the stomach, intestines, and other portions of the body. An analysis is rendered necessary; for there is no reason in presuming that because the heart, lungs, brain, kidneys, liver, or other prominent organs, may be diseased, that the party has necessarily died of such disease. The party may have suffered from the disease, perhaps, for years previously, and no human reason could in all probability be shown for life not being continued. The deceased might therefore have died from poison. The latter presumption stands as good as the one that he died from disease. The medical witness who performed the *post-mortem* examination would state he found certain appearances of disease which were of old standing, and which were sufficient to account for death; but he could not at the same time swear, without an analytical examination, that there was no poison in the system, which when the circumstances connected with the case were more rigidly pursued might be found to have had something to do with the death. An analytical examination would at once settle all doubts. It should be strictly laid down that a careful analysis should be made, and the result, with the appearances of disease discovered, laid before the Court by the medical witness.

At present, in the Coroner's warrant, authorising the making of a *post-mortem* examination, it is stated that, *if necessary*, an analysis shall be made; but in very few cases is any made, the anatomist being satisfied by the discovery of disease in some vital organ; and it might be remarked, that there are very few medical men competent to perform a

proper analysis. When such an examination is required, it is generally by some professor who has devoted his time to analytical researches; and therefore it will be necessary, in another part of this treatise, to allude to the subject again. Here it is intended to impress upon the reader the great necessity for the orders of the Coroner to be more imperative. Let not the Coroner leave it to the whim of a medical man to perform an analysis by inserting in his warrant, *if necessary*, but the words, *an analysis shall also be made.*

2. Inquests should be held in all cases of deaths from violence, or alleged violence.

Now in such inquiries, if it should be proved that direct suspicion existed against any party or parties respecting the death of the deceased, it should be in the power of the Coroner to issue a warrant for the apprehension of such party or parties, and order a remand, if necessary, the Houses of Detention and jails being placed at the disposal of the Coroner for such purposes as at present they are to the magistrates. There can be no doubt but that the power of arrest and remand, as also of bailing, should be placed in the hands of the Coroner without delay, as it is not proper an accused person should be at large while a Coroner's inquiry is pending—the charge being one, perhaps, of murder—or that an innocent person should be detained in durance vile while an accusation is being investigated. At present the Coroner can only order arrest and detention upon the verdict of the jury criminating any party or parties, as is evident from the wording of his warrants.

No. 1. Warrant of Apprehension.

" To all constables, headboroughs, &c.—

" To wit. Whereas by an inquisition taken before me, one of Her Majesty's Coroners for the said county of , this day of , at the parish of , in the said county of , on view of the body of A. A., then lying dead, one late of the parish of in the said county, stands charged with the wilful murder of the said A. A. These are, therefore, by virtue of my office, in Her Majesty's name, to charge and command you and every of you, that you or some or one of you without delay do apprehend, &c."

No. 2. Warrant of Detainer.

" To the keeper of Her Majesty's jail of ,—

" To wit. Whereas you have in your custody the body of , and whereas by an inquisition taken before me, one of Her Majesty's Coroners for the said county of , the day and year hereunder written, at the parish of in the said county on view of the body of A. A. then and there lying dead, he the said stands charged with the wilful murder of the said A. A. These are, therefore, in Her Majesty's name, by virtue of my office, to charge and command you to detain and keep in your custody the body of the said until he shall be thence discharged by due course of law, and for your so doing this is your warrant, &c."

The Coroner, in cases where casualties arise from *culpable neglect*, not amounting to *criminal carelessness*, should have the power upon the decision of the jury to that effect, to fine the party or parties guilty of such negligence, the fine not to amount to more than 100*l.*, and not be less than 5*s.* In default of payment committal should follow, after proper notice had been given fixing the payment of the fine within a certain period. If this

system of fining was adopted in the Coroner's Court, it would assuredly be the means of saving many lives, for there is nothing comes so much home to the generality of people as touching their pockets. Observe the present awful annual sacrifice of life in the Metropolis amongst children through the carelessness of parents and nurses leaving them alone with fire and other dangerous appliances.

This system of fining would meet another great evil which might be reasonably alluded to here—the careless dispensing of medicines, and the indiscriminate sale of poisonous drugs and compounds. Where it was proved that a dispenser of medicines, or any individual practising the same business, be he qualified or not, had carelessly dispensed dangerous medicines, or without restriction sold poisons to whoever asked for them, either for *suicidal purposes*, or otherwise, let a severe fine be imposed if the act did not amount to one of a criminal character, such as in a case of murder. In France fine and imprisonment are often imposed for such offences, and this in many cases would no doubt be advisable in this country. The offence might be of so grave a character that the accused could be fined, and, at the same time, committed to take his trial on a *criminal charge*. This would soon put an end to careless dispensing and "medical quacks," those individuals who, without qualification or knowledge, prey upon the vitals of human life, and send thousands annually to their graves, either by adopting a system of treatment quite contrary to what should be pursued for the cure of disease,

or else by their "do-nothing" system, could by such a proceeding be fairly dealt with as on the Continent.

Apothecaries and chymists, so far as the sale of poisons and bad medicines are concerned, could be placed under the immediate control of the Coroner's Court, with power being granted to the latter to license all such qualified traders. No poisons should be sold unless for medicinal purposes, and it should be strictly laid down that all poisonous mixtures or ingredients sent out should bear a significant and special mark upon them. All poisonous drugs or embrocations should be sent out in peculiarly shaped bottles formed of coloured glass—red being the most conspicuous—as well as being labelled "Poison," and poisonous ingredients in a dry state should be sent out in coloured paper—say red also—with the word "Poison" emblazoned on the package or powder. The Coroner should be empowered as the Apothecaries Company are within the City of London to enter all apothecaries' and chymists' shops, and examine as to whether proper precautions were taken in the dispensing of poisonous drugs and compounds. All poisons should be kept apart from other medicines, and in peculiarly shaped and coloured bottles. If strict rules like these had been enforced years ago, how many lamentable occurrences arising from the careless dispensing and disposal of poisonous medicines might have been averted. It might be as well for the Coroner in his examination to have a properly qualified medical man or analytical chymist with him, as also a jury;

and upon the decision of the jury a fine should be imposed. If the offence should be continued, imprisonment and fine might follow; and for a third offence, considering all such persons were duly licensed, his license should be entirely withdrawn, and the offender debarred from in future following that profession, for human life is not to be thus wantonly played with.

3. Coroners' inquiries should certainly be held in cases of suspected arson, or where a conflagration was at all enshrouded in much mystery, for the lives of Her Majesty's subjects are thereby endangered. It should be the duty of the Coroner to hold an investigation in all such cases, and the proceedings should be looked on with serious importance, for although life might not have been sacrificed, yet it has been exposed to danger, and placed in extreme jeopardy. It should also be competent for the Coroner in such inquiries, after consulting with the jury, to order the arrest and detention of any party or parties who might be implicated, or upon whom suspicion rested, until the jury had come to a final decision.

4. As sanatory matters involve questions of superlative importance respecting the health of the community at large, it should be competent for the Coroner to call together a Jury and investigate any existing sanatory evils, and upon the decision of the Jury order, under certain penalties, the abatement of such evils, as also the carrying out of those improvements deemed necessary. These improvements might be (according to the responsi-

bility), ordered to be carried out, either at the expense of the owner or owners of the property where the evils existed, or by enforcing the local authorities to carry out the necessary improvements. .Indeed the latter course, considering the present sanatory staff connected with the local representation through the new Metropolis Local Management Act, might be considered the most advisable. The local authorities could be authorized to have the improvements recommended strictly carried out, and, if necessary, effect such improvements themselves at the cost of the proprietor or proprietors. This, in a great measure, would prevent a too great interference with local authority, and at the same time meet every public requirement.

The Medical Officer of Health for the district should, when any such inquiry took place, be requested to attend, and his special attention could be directed to the future sanatory welfare of the neighbourhood.

After these proceedings had taken place, if the evils continued unabated, the Coroner should be empowered by the decision of the jury who previously investigated the matter, to indict, on the evidence then taken, the culpable parties at the sessions. A more serious view of the case should be taken if any mortality arose from diseases engendered by the still filthy state of the locality. An inquiry into such mortality should be forthwith held by the Coroner and another jury, and the culpable party or parties, be they Government Commissioners, local authorities, medical officers of health,

or private individuals—the owners of the property—should be deemed responsible for anyloss of life originating from their neglect. Their responsibility would be very serious if they had pertinaciously refused to carry out the improvements previously ordered, so as to avert such a calamity as a sacrifice of human life. Indeed, they should be deemed as responsible and culpable as though death had been occasioned by manual violence, and they might be charged according to the weight of their culpability either under the head of *wilful murder* or *manslaughter.*

To show the nice line drawn between these two crimes a quotation from a work on the subject by Sir John Jervis, will be found instructive:—

"Manslaughter is the unlawful killing of another without malice, either express or implied; and is either voluntary, from sudden transport of passion, or involuntarily, ensuing from the commission of some unlawful act, or from the pursuit of some lawful act, criminally or improperly performed. The absence of malice is, as has been already observed, the main distinction between this species of homicide and murder, and though manslaughter is in its degree felonious, and in the eyes of the law criminal, yet it is imputed by the benignity of the law to the infirmity of human nature."

Again he observes:—

"Correction by privation and ill-treatment will, if death ensue, be sufficient to constitute this offence; for *active and personal violence* is not necessary."

It is to be regretted that under existing circumstances too many officials who are really morally guilty, escape the just legal punishment due for their offences. Their guilt consists in their neg-

lecting the imperative duties imposed on them by law, and which they accept of their own free will and accord. By thus punishing the agents of so iniquitous a system, it would immediately give to it a check, and by placing such a power in the hands of the Coroner's Court, a strict watch would be kept on all officials engaged in carrying out the sanatory and other laws connected with the health, welfare, and life of the public, and they would be taught not only the strict rules of justice, but also those of humanity.

Under the Metropolis Local Management Act a large staff of sanatory officers were appointed in the various parishes. There should surely be some greater and more impartial supervision of this important body than that afforded by the local authorities, and this would be met with in the Coroner. What court would be more competent to judge of the conduct of such sanatory officers than the Coroner's? This Court deals with all matters concerning life and death, and the greatest responsibility should be vested in it over all sanatory matters. In fact it is very clear that this new staff of sanatory officers will become in many instances a non-effective body, unless some impartial control is secured whereby they can be made to do their duty, and held criminally responsible for neglecting it. It will not do in the present day to leave the public health in the hands of irresponsible agents.

The duties of the Medical Officers of Health, under the new Act, are, according to Sec. cxxxii. of that enactment, as follows :—

"Every Vestry and District Board shall, from time to time, appoint one or more legally qualified medical practitioner or practitioners, of skill and experience to inspect and report periodically upon the sanatory condition of their parish or district, to ascertain the existence of disease, more especially epidemics increasing the rate of mortality, and to point out the existence of any nuisance or other local causes which are likely to originate and maintain such disease and injuriously affect the health of the inhabitants, and to take cognizance of the fact of the existence of any contagious or epidemic diseases, and to point out the most efficacious mode of checking or preventing the spread of such diseases. And also to point out the most efficient modes for the ventilation of churches, chapels, schools, lodging houses, and other public devices within the parish or district, and to perform any other duties of a like nature which may be required of him or them, and such persons shall be called 'Medical Officers of Health,' and it shall be lawful for the Vestry or Board to pay to every such officer such salary as they may think fit, and also to remove any such officer at the pleasure of such Vestry or Board."

The Act then goes on to appoint other sanatory officers, in the shape of Inspectors of Nuisances, and the greatest consideration is observed for protecting the public health, but still there is wanted that impartial check upon this department which can alone be obtained by the whole staff being placed, to a certain extent, under the supervision of the Coroners' Court.

The law is very imperative, but from the want of a proper supervision in how many instances does it remain a dead letter?

It does not require comment on any particular locality of the Metropolis to show that sanatory regulations require to be enforced more strictly. Go to the four quarters of the Metropolis and walk

through its filthy lanes, its confined courts, and baneful districts fearfully impregnated with an atmosphere of disease and death. There is evidence of neglect in every direction, and which only a sweeping supervision such as that recommended can remove. This great and increasing city requires such a Government as will at once place it in a wholesome and proper sanatory condition.

How apt is one when considering this subject and reviewing objections that may be raised, to warmly exclaim,

"*Salus Populi suprema lex.*"

5. The same law for strictly supervising the duties of Sanatory Officers should be enforced as well on parochial authorities and officials concerned in the distribution of parish relief, and indeed all other bodies entrusted with the charge of human life. They should as certainly be punished when it is proved that through the indifference, neglect, or harshness of such individuals, any loss of life has taken place. It would be useless and painful to instance cases demanding such an interference. The newspapers for years past have been filled with the recital of tales of misery and cruelty in which death has resulted from the callous indifference, neglect, and harshness of parochial officials. The public have been sufficiently pained by such heartrending stories without going into them anew.

The parties concerned in such shocking scenes were according to the present state of the law not *legally responsible*, notwithstanding the high *moral responsibility* they had incurred.

An alteration of this anomalous state of things as here recommended, would make the parochial official, who could refuse that relief which the law directs *shall* be awarded to the poor and destitute, criminally responsible for any death that arose in consequence, either from suicide, or the want of the common necessaries of life. Let not such cruel indifference go unpunished. Let not so ridiculous a bar be drawn across moral guilt and its proper punishment.

Indeed in some peculiar cases recorded by Sir John Jervis, there will be found those in which this neglect is proved to amount to "wilful murder," and it is to be regretted that the law is not now as vigorously carried out, instead of being trammelled with absurd addenda censuring certain parties for high moral guilt.

In one case thus recorded, the indictment charged an accused with "*wilful murder*," as

"In the county aforesaid, feloniously, wilfully, and of malice aforethought, did neglect, omit, and refuse to give, and administer, and to permit, and suffer to be given, and administered to him, the said R——, sufficient meat and drink necessary for the support and maintenance of the body of him, the said R——, &c."

And in the second case the party was charged with the capital offence, *through causing death by forcing the deceased into the street while sick.*

Leaving this part of the subject, the next that comes under consideration is with respect to the verdicts of Coroners' Juries, which likewise require great amendment on the present system.

Their verdicts are at present so confined that Coroners' Juries have frequently to travel out of their legitimate rules, and pass censures upon parties concerned, or they animadvert upon a particular system requiring in their opinion amendment, or entire repeal. This is certainly an abuse which has crept into the office, for Juries have no more right to adopt such a course than any unauthorised or illegal assembly.

It might be appropriate to note on this subject that in giving judgment in a case tried in the Court of Queen's Bench, on May 8th, 1844, [The Queen *v.* the Coroner of the City of London,] Lord Chief Justice Denman said, that the part of the finding, which properly constituted the verdict, was that which stated the cause and manner of the death, and the state of the deceased at the time. All the rest was upon matter altogether irrelevant. The jury had no right to go out of their way for the purpose of expressing their opinion upon a matter which was not in issue before them, and it was not at all certain, that in so doing in the present case, they had not rendered themselves liable to the usual consequences of the publication of a libel.

Sir John Jervis under the head of "Verdict" in his work on the "Office and Duties of Coroners," already quoted, says, with respect to the decision of Coroners' Juries:

"The verdict or finding of the Coroners' Jury is equivalent to an indictment, and must be stated with the same legal certainty and precision; it must not be repugnant nor inconsistent; and the charge must be direct and positive."

The verdict should be "Aye" or "Nay," but it would at the same time be very useful for the Scotch verdict "Not Proven" to be introduced into the Coroner's Court where a final decision is in the hands of the Jury.

The cases brought before the Coroner's Court are often of an exceedingly conflicting character, and it is impossible in many instances to say what is the precise cause of death. While there may be a great suspicion against any party or parties, yet there is not sufficient legal proof to indict on a criminal charge, and, therefore, it would be useless to put the county to an unnecessary expense by such a prosecution. The police magistrates simply appear as prosecutors, and, therefore, only evidence against the accused is taken before a committal for trial. The result is, that many cases so disposed of are dismissed at the superior court, and the county is saddled with the unnecessary expense incurred by the prosecution. The Coroners' Jury hear both sides of the case, the accusation and the defence, and decide at once upon both, thereby greatly decreasing the county expenditure by preventing unnecessary prosecutions. In cases thus alluded to, the system of fining would be very apropos. It would do away with the illegal addenda system, and prove more severe on the party or parties implicated.

The medical evidence upon which, in a great measure, all such inquiries depend, is often very unsatisfactory. Therefore, in cases where a party has been arrested on great suspicion, and the

medical and other evidence is inconclusive, but the suspicion still remains, a verdict of "*Not Proven*" might reasonably be introduced. The suspected party could then be discharged; but, at any future period, should the case be one of suspected "*Wilful Murder*" or "*Manslaughter*," it should be in the power of the Lord Chief Justice, upon more conclusive evidence arising, to order a further investigation to take place.

After a verdict of "*Not Proven*" had been returned, it might be a desirable course to issue a *non exeat e regno*, restraining the suspected party from leaving the country within a certain period, as evidence of a conclusive nature might in the meantime transpire. Upon the expiration of the *non exeat*, the party should be considered discharged from further restraint; but, as at present, in charges of homicide, the accused should be liable to be again arrested if evidence was forthcoming proving the crime.

The next important matter for consideration is as to the officers attached to the Coroner's Court, and their duties.

In the first place, a thorough reorganization of this department is called for, and an increase of the staff will be rendered essentially necessary for the due and impartial administration of justice. This increase will be found not only just but economical in a pecuniary point of view.

The Coroner should have a deputy, at least in those districts, such as in the county of Middlesex, and the city of London, where the area is very

extensive, and the population numerous. This deputy should be appointed by the Coroner, under the sanction of the Secretary of State for the Home Department, at a set salary, adequate to the duties imposed.

It should be necessary for the deputy-Coroner, if not a medical man, to be well versed in medical jurisprudence, and to be well acquainted with the duties of the office.

Next in importance—and this will be an increase of the staff necessary for the proper fulfilment of the duties of the Coroner—is the appointment of a public prosecutor. This gentleman should be a member of the legal profession well versed in medical jurisprudence. He should attend inquiries in all cases of alleged murder, arson, defective sanatory regulations, &c. It should be his duty to lay the facts of the case before the Court on the side of the prosecution, and call the necessary witnesses. At the same time, this public prosecutor should be bound over to prosecute, should the case be sent for trial before another tribunal.

The importance and necessity for appointing such an officer as this in every Court of Justice is very evident; and it is only following in the opinions of such legal advisers as Lord Brougham, by alluding to such an appointment.

The public prosecutor is certainly more especially required where human life is the object of investigation; and it is very painful to observe that, under existing rules, many foul murders go unpunished through the want of such an officer.

A short time back, an abominable murder was committed at St. Albans. Certain implicated parties were arrested, and committed to take their trial for the horrible offence at the assizes. No prosecutor, however, appeared, when the gaol delivery took place, and the Judge before whom the case came considered it so heinous an offence, that, instead of discharging the accused, he remanded them to the next assize, in order to give an opportunity for the prosecution to be proceeded with. Thus they were remanded several assizes, and at length they were discharged, as no prosecutor appeared.

In permitting such an officer to officiate due regard should be had to the interest of the party or parties implicated, by allowing counsel to attend on their behalf and proceed with a defence, for by such a course much trouble and expence would be prevented, as no necessity might arise, on hearing both sides, to send the case for trial.

The public prosecutor would be the poor man's representative in all cases of alleged parochial inhumanity and neglect, as also where the sanatory condition of the dwellings of the working-classes, and the poorer population, was the subject for inquiry.

At present, while the parochial authorities and other powerful bodies are represented, the poor man stands alone, and the consequence is that he is often beaten out of Court by the shrewdness and tact of the parties he thought proper as a matter of justice to complain of. Indeed, such an officer

should be appointed by the Government to act as the poor man's representative in the administration of parochial relief.

Another object tending to the welfare and inestimable benefit of the public health might be gained by the appointment of this officer in the Coroner's Court. It has been a vexed question how to deal with a nefarious class of traders—those who adulterate and poison the common necessaries of life. The question has been fully discussed in Parliament, and a Committee of the House of Commons gleaned sufficient upon which to form a special Bill to meet so great and injurious a grievance, but there seems to be a difficulty in the way as to the manner in which the evil shall be eradicated. This could be at once solved, and the evil without further delay removed by vesting such power in the Coroner's Court as would enable the public prosecutor to proceed against adulterators, and insist on fine and imprisonment, as in the case of delinquent apothecaries, and all such traders reckless of health and life.

With the appointment of public prosecutor it would be of importance to consider the desirability of appointing a public sanatory officer. He should be a medical man of eminence, whose opinion could be called in upon all medical, sanatory, and analytical points. This officer would prove highly useful in cases where a prosecution took place against persons who flagrantly injured the public health by adulterating the commodities of life, and those who scandalously allowed disease and death

to become rampant through the neglect of sanatory regulations.

The duties of summoning officer could be left as at present in the hands of the parish constables, with, perhaps, a slight revision of their duties.

Immediately upon receiving notice of a case apparently demanding an inquiry, the constable should enter the whole circumstances in a legible form in a book kept for that purpose, and forward a copy of the same to the Coroner. The Coroner, having reviewed the whole facts of the case, and having entered the same in a book, should decide whether an inquiry was necessary or not.

Let it be well understood that in all cases of death from alleged violence, or even supposed natural causes, an inquiry should be held where there was no medical certificate, and no medical man should be permitted, under pain of penalty,—the consequences resulting from such a proceeding being looked upon as a contempt of Court,—to give a certificate who had not seen the deceased before death.

Such a rule as this is very necessary, and it should be most strictly enforced, for at present medical men frequently give certificates as to the cause of death when they have only been called in at the period of demise, or immediately after, when they really can know nothing whatever of the precise cause of death.

To show to what a frightful extent this dangerous system prevails, in one case which took place some years ago, a medical man gave a certificate

that a person of property, who had been living under such circumstances that his family wished to conceal the real facts, had died a natural death. Rumours got afloat that all was not right, and a Coroner's inquest was ordered to be held. When the Coroner and Jury went to view the deceased's remains there was nothing particular in the appearance of the body to attract the attention of an inexperienced observer, although in all probability there were those exsanguineous appearances as proved something wrong to the mind of the Coroner (Mr. Wakley) from his being a medical man. The corpse had been decently laid out, and a cravat enveloped the neck. The Coroner ordered the cravat to be removed, when behold a gaping wound presented itself in the throat, *the deceased had committed suicide, and not died a natural death.* Fortunately for the parties concerned—considering what circumstantial evidence will often lead to—it was clearly proved that he died by his own hands, but if such had not been the case this reckless mode of granting medical certificates might have led to the suspicion of a heinous crime having been committed.

Some very vigorous rules should be resorted to without delay in order to deter unscrupulous members of the medical profession from acting in so disgraceful a manner. While preventing medical men from giving certificates under such circumstances, it should be strictly enforced that no *post mortem* examination should take place until the facts of the case had been laid before the Coroner,

and he had issued his order for such an examination.

This part of the subject inadvertently brings one to comment upon the conduct of undertakers, who should be subject to severe penalties where they interred bodies without first obtaining the Registrar's or Coroner's certificate as to the precise cause of death, and no body should be interred without such certificate being shown to the officiating clergyman, or person in authority at the place of sepulture.

As a restriction on registrars, no certificate of the cause of death should be received unless from the Coroner or a *duly qualified medical man*, who should state that he saw the deceased before death, how long he had attended the party, and the *precise* cause of death.

By this proceeding the present anomalous and ridiculous registration system, which is no protection whatever to life, would be completely remodelled and made a useful and important office.

Fine and imprisonment on undertakers failing to carry out the regulations of the Court should be imposed, the fine or imprisonment depending upon the serious character of the offence committed. Registrars should likewise be liable, under similar circumstances, to fine, imprisonment, and dismissal from office.

Such are a few propositions, which if adopted, can in the main be greatly improved upon, and more properly defined by an Act of Parliament.

A Bill for this purpose would not only effect a

complete remodelling of this important office, but it would meet the requirements aimed at in Parliament by two other Acts, (which would therefore be unnecessary,) in a Bill for preventing adulterations, and a Bill for preventing medical quackery and the sale of poisons, as both these weighty subjects could be easily met and dealt with by the Coroner's Court under the new *régime*.

The subject is one demanding weighty consideration. That some Legislative interference is required in effecting a change in the present duties of the Court no one will for a moment deny, a slight change in the administration of its affairs, with the addition of such other duties as those pointed out, will make it one of the most popular and important institutions of the country.

Certainly it should be necessary to lay down special rules for preventing magistrates and the police from *at all* interfering with the duties of the Coroner.

In all cases of death demanding a legal inquiry, and in all investigations relating to the public health, or in which human life is directly concerned, let the inquiries be confined to the Coroner's Court, and its jurisdiction should be alone disturbed by the head Coroner, the Lord Chief Justice, who upon reasonable and sufficient proof that justice had not been done could order the Government public prosecutor (supposing such an officer is appointed, and the system of public prosecutors be generally adopted), or under present circumstances, the Attorney-General, to proceed further with the

case before a superior Court. If on the trial it should be proved that the Coroner had not properly fulfilled his duties, then it should be in the power of the Lord Chief Justice to remove him from his office and issue a writ to the electors for a fresh election. Moreover, should it be proved that the Coroner acted with a corrupt intention, he should be as open to a criminal prosecution as a magistrate.

Such a ruling power as this being vested in the hands of the Lord Chief Justice, is always necessary over an executive body.

So far as relates to Scotland it is a matter of most serious consideration, whether it would not be highly desirable to have the same Coroner's Court and representative system carried out there as in other parts of the United Kingdom, as also the suggestions referring to registration, and thereby assimilate in such important matters the laws of the three countries, England, Scotland, and Ireland. In all three the stream of justice runs broad and deep, and, if occasionally it requires to be cleared from those weeds which interrupt its current, the act produces but a mere ripple of its wave, while,

"Labitur et labetur in omne volubilis ævum."

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